

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Curtis R. Hill, #296024,	)	C.A. No. 6:05-1003-HMH-WMC
	)	
Plaintiff,	)	
	)	<b>ORDER</b>
vs.	)	
	)	
D. Mitchell, Grievance Coordinator	)	
at Lee County Correctional Institution; and	)	
A. J. Padula, Warden of Lee Correctional	)	
Institute,	)	
	)	
Defendants.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge William M. Catoe, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 DSC.<sup>1</sup> Curtis R. Hill (“Hill”), a state prisoner at Lee County Correctional Institution (“LCCI”), proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983. In his Report and Recommendation, Magistrate Judge Catoe recommends summarily dismissing Hill’s complaint without prejudice and without issuance and service of process. Magistrate Judge Catoe further recommends that this case be deemed a “strike” for purposes of the three strikes rule set forth in 28 U.S.C. § 1915(g).

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Hill filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of *specific* objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Hill's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, and merely restate his claims. Therefore, after a thorough review of the Magistrate Judge's Report and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation.

Subsequent to filing his objections, on April 21, 2005, Hill filed a motion to amend his complaint. However, granting Hill's motion to amend would be futile because his motion alleges no new facts or claims. See GE Investment Private Placement Partners II v. Parker, 247 F.3d 543, 548 (4th Cir. 2001) ("Leave to amend may properly be denied where amendment would be futile."). As such, Hill's motion to amend is denied.

Therefore, it is

**ORDERED** that Hill's complaint is dismissed without prejudice and without issuance and service of process. It is further

**ORDERED** that this case is deemed a "strike" for purposes of 28 U.S.C. § 1915(g). It is further

**ORDERED** that Hill's motion to amend is denied.

**IT IS SO ORDERED.**

s/ Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
May 2, 2005

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.